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FLOOR DEBATE

April 4, 2002 LB 488A, 847

Landis waives closing. The question is the advancement of LB 488A to E & R Initial. All in favor vote aye, all opposed nay. Record.

CLERK: 32 ayes, 0 nays, Mr. President, on the advancement of LB 488A.

SENATOR WICKERSHAM: The bill is advanced. Next item.

CLERK: Mr. President, the next bill, LB 847 by Senator Brashear. (Read title.) Bill was introduced on January 17 of last year, at that time referred to the Judiciary Committee. Bill was advanced to General File. I do have Judiciary Committee amendments pending. (AM2395, Legislative Journal page 469.)

SPEAKER KRISTENSEN PRESIDING

SPEAKER KRISTENSEN: Senator Brashear, you're recognized to open on the bill.

SENATOR BRASHEAR: Is that the Speaker? Mr. Speaker, members of the body, I was trying to make certain who it was. LB 847 addresses victims' rights by amending current statutes and adding provisions to ensure that victims are afforded the rights referred to in Nebraska's Constitution. In 1996, the voters approved a constitutional amendment incorporating rights for victims into the Nebraska Constitution. In a decision issued by the Nebraska Supreme Court in January 2001, Lamm v. Nebraska Board of Pardons, et al, the court concluded that there is no statutory means to enforce the victims' rights amendment of the Nebraska Constitution. The court determined that the Legislature had not enacted enabling legislation to carry out the 1996 constitutional amendment and, therefore, no remedies exist to enforce victims' rights provisions with respect to such rights specified in the constitution. The victims' rights amendment of the Nebraska Constitution states that all crime victims have the following: the right of notification, the right to be present at proceedings, and the right to be involved in the sentencing, parole, pardon, commutation and conditional release proceedings. LB 847 enacts rights of victims, as set